

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

UNITED STATES OF AMERICA, ex rel.)	
CAMERON JEHL,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:19-cv-091-NBB-JMV
)	
GGNSC SOUTHAVEN LLC D/B/A GOLDEN)	
LIVINGCENTER-SOUTHAVEN; GGN)	Oral Argument Requested
ADMINISTRATIVE SERVICES LLC D/B/A)	
GOLDEN VENTURES; AND GGN)	
CLINICAL SERVICES LLC D/B/A GOLDEN)	
CLINICAL SERVICES,)	
)	
Defendants.)	

**RELATOR'S MOTION TO STRIKE DEFENDANTS' IMPROPER EVIDENCE
FILED WITH DEFENDANTS' REPLY IN SUPPORT OF ITS MOTION FOR FEES**

Relator respectfully moves to strike ¶¶ 25-28 of defense counsel Robert Salcido's Reply Declaration (exhibit 2 to the reply, contained in docket 364-2) in support of Defendants' Reply regarding its motion for a specific amount of attorneys' fees and also the vast majority of its invoice for attorneys' fees and costs in April of 2023 (exhibit D to exhibit 2 of the reply, contained in docket 364-6).

¶¶ 25-28 of Salcido's declaration (docket 364-2) provide information about the experience of certain lawyers in his firm that should have been submitted with the original motion, filed on April 27, 2023 (docket 356), in order to justify his request for certain hourly rates and for fees for the work of those lawyers. He has now submitted the information only because the Relator pointed to the omission in his response.

Except for the entries on April 28 and perhaps April 27, the entries on the April 2023 invoice (docket 364-6) could and should have been submitted with the fee application that was filed April 27, 2023 (docket 356).

As already mentioned in Relator's response memorandum to the fee motion, it is the applicant's responsibility to provide all necessary information to support its application. If it waits and provides certain information only in the reply, the respondent has no opportunity to address that new information. That is why these two items should be stricken in part. While there are other exhibits and portions of exhibits submitted with the reply, those arguably can be justified as becoming relevant only after the Relator made certain contentions in his fee response. Thus, the Relator has not moved to strike them and instead has focused only on portions of two exhibits.

The Relator also requests that the Court waive the requirement of filing a memorandum in support of this motion given the brevity of the motion and the fact that this request is committed to the discretion of the Court.

Accordingly, the Relator requests that this motion to strike portions of these two exhibits be granted.

Respectfully submitted,

/s/ Robert B. McDuff
Robert B. McDuff (MSB # 2532
Law Office of Robert B. McDuff
767 North Congress Street
Jackson, MS 39202
601.259.8484 (Telephone)
rbdm@mcdufflaw.com

Richard R. Barrett (MSB #99108)
Law Office of Richard R. Barrett, PLLC
2086 Old Taylor Road
Suite 1011
Oxford, MS 38655
662.380.5018 (Telephone)
rrb@rrblawfirm.net

Philip N. Elbert (admitted *pro hac vice*)
Kendra E. Samson (admitted *pro hac vice*)
Nathan C. Sanders (admitted *pro hac vice*)
NEAL & HARWELL, PLC
1201 Demonbreun Street, Suite 1000
Nashville, TN 37203
(615) 244-1713 – Telephone
pelbert@nealharwell.com
ksamson@nealharwell.com
nsanders@nealharwell.com

Counsel for Relator

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of June, 2023, the foregoing was served on the following counsel by operation of the Court's electronic filing system:

Margaret Sams Gratz, Esq.
Mitchell, McNutt & Sams, P.A.
P. O. Box 7120
Tupelo, MS 38802-7120
mgratz@mitchellmcnutt.com

J. Harland Webster, Assistant U.S. Attorney
Office of the United States Attorney
Northern District of Mississippi
900 Jefferson Avenue
Oxford, MS 38655-3608
joseph.webster@usdoj.gov

Field Code Changed

Robert Salcido, Esq.
Akin Gump Strauss Hauer & Feld LLP
Robert S. Strauss Tower
2001 K Street NW
Washington, DC 20006-1037
rsalcido@akingump.com

Counsel for the United States of America

Counsel for Defendants

/s/ Robert B. McDuff _____ -